

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 02, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

v.

KEVIN LEE TOWNER,  
Defendant.

NO. 1:23-CR-02050-SAB-1

**ORDER RE: STIPULATION  
REGARDING COMPUTER  
FORENSIC REVIEW  
PROCEDURES**

Before the Court are the parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband, ECF No. 25. Defendant is represented by Jennifer Barnes. The United States is represented by Christopher Bridger.

The parties stipulate to a protective order that encompasses computer forensic review procedures for child pornography contraband. Good cause exists to grant the Stipulation.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband, ECF No. 25, is **GRANTED**.

2. 18 U.S.C. § 3509(m) applies to this case. In order to comply with 18 U.S.C. § 3509(m), and to allow Defendant the greatest opportunity to prepare an effective defense in preparation for trial in this matter, the government will make

**ORDER RE: STIPULATION REGARDING COMPUTER FORENSIC  
REVIEW PROCEDURES ~ 1**

1 available a true and accurate forensic copy of devices and media containing alleged  
2 child pornography contraband at issue in the above-referenced case. The  
3 government will make that forensic image reasonably available to Defendant and  
4 provide ample opportunity for the defense team to examine it at a government  
5 facility in Spokane, Washington. The parties may readdress the Court if there is a  
6 need for additional or after-hours access during the course of litigation in the event  
7 trial or motion hearings require additional forensic review.

8         3.       The defense forensic examination will be conducted in an interview  
9 room monitored by closed-circuit television (“CC-TV”), without audio feed. While  
10 the TV with non-audio feed will ensure the integrity of FBI space and security of  
11 its occupants, the video feed is not of sufficient detail or at an angle that would  
12 reveal defense strategy. The government and its agents expressly agree that no  
13 attempt will be made to record any audio from the workstation and that no attempt  
14 will be made to observe the defense team’s work product or computer monitor  
15 screen at any time. The defense expert may review the feed to ensure that defense  
16 strategy is not being compromised at any time while conducting the forensic  
17 review.

18         4.       The defense team<sup>1</sup> shall not make, nor permit to be made, any copies  
19 of the alleged child pornography contraband pursuant to this Protective Order and  
20 shall not remove any contraband images from the government facility. The defense  
21 expert will be allowed to copy any file that is not contraband and compile a report  
22 (without contraband images/videos) documenting the examination on removable  
23 media at the discretion of the defense expert.

24         6.       The designated defense expert, will leave at the government facility  
25 any equipment, including hard drives, which contain child pornography contraband  
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27 <sup>1</sup> For purposes of this Protective Order, the term “defense team” refers solely to  
28 Defendant’s counsel of record (“defense counsel”), Defendant’s designated expert  
 (“defense expert”), and a defense investigator.

1 that is identified during forensic evaluation. The parties may readdress this matter  
2 with the Court upon notice that the defense intends to retain a different defense  
3 expert.

4 7. For the purpose of trial, the government agrees to make available a  
5 digital copy of any government trial exhibit that contains contraband, which will be  
6 kept in the custody and control of the case agent. Upon reasonable notice by the  
7 defense, the case agent will also maintain for trial digital copies of any proposed  
8 defense exhibit that contains contraband. If the defense team intends to offer,  
9 publish, or otherwise utilize any government or defense exhibit contained on the  
10 digital copy maintained by the case agent during trial, the case agent shall assist the  
11 defense team in publishing or utilizing the exhibit that contains contraband upon  
12 notification by the defense team.

13 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
14 enter this Order and furnish copies to counsel.

15 **DATED** this 2nd day of October 2023.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

21 Stanley A. Bastian  
22 Chief United States District Judge  
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